

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

UNITED STATES OF AMERICA

v.

MARLONN HICKS

Case No. 2:16-CR-150

**ORDER**

On October 28, 2016, Defendant Marlonn Hicks entered a guilty plea to Count One of the Information. The Court referred Mr. Hicks to the probation office to prepare a presentence investigation report pursuant to Federal Rule of Criminal Procedure 32(c)(1).

**A. Presentence Report**

It is the probation officer's duty to both calculate the sentencing guidelines range and to indicate how § 3553(a) sentencing factors apply in this case. In the presentence report, the officer must include the recommended sentence, including the conditions of supervised release, if applicable. To aid the probation officer in preparing the presentence report, the Court directs the parties to provide to the officer not only the information related to the sentencing guidelines calculation but also the information regarding § 3553(a) sentencing factors.

As required by Federal Rule of Criminal Procedure 32 and this Court's General Order 2001-1, within 14 days of receiving the presentence report, the parties must communicate to the probation officer and opposing counsel, in writing, any objections they may have as to any material information, criminal history, sentencing classifications, sentencing guidelines ranges and policy statements contained in or omitted from the report. Of special importance is the

section of the presentence report that deals with 18 U.S.C. § 3553(a) factors. If the parties object to the probation officer's conclusion as to the applicability of § 3553(a) factors, such objections must also be presented to the probation officer in writing. The parties must also state their objections, if any, as to the recommended sentence, including the conditions of supervised release. This is mandatory.

If a party has no objections to the presentence report, this must be communicated to the probation officer in writing.

#### **B. Sentencing Memoranda**

No later than 14 days before the sentencing hearing, the government must file a sentencing memorandum. Defendant's sentencing memorandum is due 7 days before the sentencing hearing. These filings are mandatory.

Among other things, in the sentencing memoranda, the parties should address in particular terms, as opposed to loose characterizations about the defendant's crime and criminal history, the appropriateness of the recommended sentence, including the conditions of supervised release. *See United States v. Siegel*, 13-1633, 2014 WL 2210762 (7th Cir. May 29, 2014).

SO ORDERED on April 13, 2017.

S/ Joseph S. Van Bokkelen  
JOSEPH S. VAN BOKKELEN  
UNITED STATES DISTRICT JUDGE